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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)

JANINE CHANDLER, et al.,

Plaintiffs,

v.

CALIFORNIA DEP'T OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

Case No. 1:21-cv-01657-JLT-HBK

**DECLARATION OF MIMI LE IN
SUPPORT OF PLAINTIFFS'
OPPOSITION TO MOTION TO
DISMISS**

The declaration of Mimi Le follows:

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I, Mimi Le, hereby declare:

1. I make this declaration based on my own personal knowledge, and if called to testify, I could and would do so as follows:
2. I am a 39-year-old woman currently incarcerated in CCWF.
3. On May 19 around 3:45pm an inmate A.D. was taken to the program building after being found intoxicated, and after staff had heard reports from other inmates that she had just been raped. I observed A.D. to be barely conscious, she could hardly keep her eyes open and head up. Officer Martinez came up and A.D. was taken back to her room.
4. Then just 45 minutes later around 4:30pm A.D. left 507 on a code 3 medical, which means "unresponsive inmate." Code 3 is a high priority code, and A.D. was taken out in a stretcher.
5. The next day, I went to the yard and was told by multiple inmates that A.D. was raped by J.R. (a transgender-identified male inmate) and that the prison staff were interviewing people.
6. I was walking toward the building to ask the staff what was going on, and I heard lots of shouting and I didn't know what was going on, then I heard the siren, which meant I had to sit down and not move per protocol. I saw inmate J.R. walk by in handcuffs, being led to the program office.
7. Inmate Vaughn (who happens to be a transgender-identified female) said to me "He just threatened all of us." I asked for clarification, and she said that "We were walking back to the building, he came at us, he spit at us, and he said 'Fuck all you bitches. I'll rape you, I'll rape your mama, I'll fuck all you bitches up.'" Vaughn further stated that J.R. was taunting a group of female inmates, stating "There is nothing you bitches can do."
8. Multiple other inmates, several of them who are trans men (transgender-identified females) also confirmed to me that J.R. spit at them, and yelled he was going to rape them and hurt them. This was the shouting I had heard just a few minutes earlier.
9. This was very triggering and saddening for everybody. To be threatened by a man with doing a thing that he can do, that he is capable of doing, that he may already have done to other women, is terrifying. They were concerned and discussed how to protect themselves; I convinced them to just go to their rooms while I asked for an update from the captain to figure out how to proceed.
10. I went to the captain's office to ask for an update as the IAC representative, and by that time J.R. had already been released back into the yard. Once the captain learned of the rape threats, he decided along with Sgt. Vang to move J.R. to ad seg. However, before they could do that the warden "overruled them", saying that an inmate-inmate threat is not an offense sufficient to put J.R. into ad seg.
11. I don't understand. J.R. threatened to rape a group of women and he has a fully functional penis that he could easily use to do it. Witnesses who saw A.D. before and after she was in the port-a-potty with J.R. reported that J.R. had raped her. The prison needs to take rape threats seriously, especially from men who are much more likely to follow through. And there is never any staff watching out for us, they could easily come out in a blind spot and just do something to us and nobody would know until later.

12. On May 22, myself and a few others were called into the office and told us that we were placed on the "confidential" for this incident, meaning that we were listed as those whose safety is threatened, and therefore the reason that J.R. would be placed in ad seg.
13. May 26 is the ICC date for ad seg, and there it will be decided whether J.R. is held for 30 days while they do an investigation, so that myself and the other women who were threatened with rape can proceed with our lives, or whether the only option for me and all the other women who were threatened with rape by J.R. is for us to ask to be taken away to ad seg ourselves "for our own protection." Men like J.R. get to transfer to women's prison because the prison fails to keep them safe from rape by other men in men's prison, and the only option given to them is going to ad seg. But now the prison is protecting a man like J.R. by getting him out of the men's prison only to let him terrorize women (including transgender men) with rape and violence threats and our only option is to go to ad seg. That cannot be the right way to protect anyone.
14. Inmate White, another trans-identified man, told A.D. not to say anything to mental health when they came to visit her.
15. Separate from this entire incident, I am aware of another incident where a woman woke up to a man in her cell fondling her breasts and masturbating his penis. The victim reported it to staff but they told her that if she made official report she would like be the one sent to ad seg. They remain housed in the same cell together to this day.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed on May 26, 2022 at Chowchilla, California.

Mimi Le X27330
Mimi Le